

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANADHAN

WRIT PETITION NO : 907 of 2005

Between:

Shaik Mahammad Yakub, son of S.A.Haneef, 38 years, resident of
Narasaraopet, Guntur District.

PETITIONER

AND

1. The Superintending Engineer, Mechanical Circle, N.S.R.C. Guntur.
2. The Executive Engineer, W&M Division, N.S.R.C. Lingamguntla, Guntur.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, particularly one in the nature of writ of Mandamus directing the respondent herein to reemploy the petitioner herein as N.M.R. by declaring the action of the respondents herein in absorbing juniors to the petitioners as N.M.Rs. as being illegal and arbitrary and violative of Section 25-H of the I.D. Act.

Counsel for the Petitioner: MR. SYED SHAREEF AHMED

Counsel for the Respondents: GP FOR IRRIGATION.

The Court made the following:

ORDER:

The petitioner herein seeks re-employment as N.M.R. with the 1st respondent on the ground that persons junior to him were absorbed in service. He seeks a direction to declare the action of respondents to be in violation of Section 25-H of the Industrial Disputes Act.

The relief sought for by the petitioner is for re-employment as N.M.R. in the Nagarjuna Sagar Right Canal, Guntur, which is part of the irrigation department of the Government of Andhra Pradesh. In view of the judgment of the Supreme Court in “L.Chandra Kumar v. Union of India and others()”, the petitioner ought to have approached the A.P. Administrative Tribunal in the 1st instance before invoking the jurisdiction of this Court under Article 226 of the Constitution of India. Even otherwise, the petitioner alleges violation of Section 25-H of Industrial Disputes Act for which he has an effective alternative remedy under the provisions of the Industrial Disputes Act.

This writ petition is accordingly dismissed.

The petitioner is at liberty, if he so chooses to either to approach the A.P. Administrative Tribunal or the Labour Court/ Industrial Tribunal for the relief sought for in this writ petition. No order as to costs.

Justice Ramesh Ranganathan

Date : 06th July, 2005

dvs

Copies to:

1. The Superintending Engineer, Mechanical Circle, N.S.R.C. Guntur.
2. The Executive Engineer, W&M Division, N.S.R.C. Lingamgunta, Guntur.
3. Two CCs to the GP for Irrigation, High Court Buildings,
Hyderabad.(OUT)
4. Two CD copies.

HONOURABLE SRI JUSTICE RAMESH RANGANADHAN

W.P.No.907 OF 2005

06th July, 2005